

**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, MAY 8, 2018  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Jo Emerson called the meeting to order at 7:04 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh in attendance. Staff members present were City Manager Ellen Richter, Assistant City Manager Rick Juba, City Engineer Mark Burch, Community Development Director Anne Kane, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to approve the Minutes of the Regular City Council Meeting on April 24, 2018.

Motion carried unanimously.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve the Minutes of the Closed City Council Meeting on April 24, 2018.

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

City Manager Richter added acceptance of April Planning Commission Minutes to 10A.

It was moved by Councilmember **Biehn** seconded by Councilmember **Edberg**, to approve the agenda as presented.

Motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

**A. Dispatch Recognition**

Police Chief Swanson reported that the City converted to Ramsey County Dispatch last Tuesday. In 2017, the City's five dispatchers received 29,000 calls for service. Chief Swanson recognized Wendy Colucci (nearly 35 years), Angie Stewart (nearly 23 years), Naomi Clark (13 years), Ben Leibel (2 years) and Patrol Officer Jon Sanders who offered to fill-in last October 2017. She thanked them for their professionalism, dedication and grace throughout this recent and emotional change.

**B. Wendy Colucci Retirement Recognition**

On behalf of the City Council and the residents of White Bear Lake, Mayor Emerson thanked Wendy for her nearly 35 years of service to the community and presented the bear plaque.

C. Law Enforcement Memorial Proclamation

Mayor Emerson read the Law Enforcement Memorial Proclamation and declared May 13-19, 2018 as Police Week in the City of White Bear Lake with May 15<sup>th</sup> being dedicated for the Peace Officers Memorial Day in honor of all fallen officers and their families and US Flags should be flown at half-staff.

Mayor Emerson also encouraged the community to attend the Suburban Law Enforcement Memorial Service at St. Mary Church on May 17<sup>th</sup> at 11:00 a.m.

D. White Bear Lake Lacrosse Team

City Engineer Burch presented members of the White Bear Lake Lacrosse Association and explained that as adult softball has waned, the fields at Podvin Park are in the process of being converted for Lacrosse. Through fundraising efforts, the White Bear Lacrosse Association presented Mayor Emerson with a check in the amount of \$81,500, to pay for field renovations including irrigation, sod, removal of backstops and new fencing. Mr. Burch said that the City has also invested \$16,500 for improvements.

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

A. Consent

1. Consideration of a Planning Commission recommendation for a resolution granting a sign variance for the White Bear Lake Sports Center (18-4-V). **Resolution No. 12226**
2. Consideration of a resolution granting a one year time extension for a setback variance at 4583 2<sup>nd</sup> Avenue (17-9-V). **Resolution No. 12227**

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt the Consent Agenda as presented

Motion carried unanimously.

B. Non-Consent

1. Consideration of Planning Commission recommendation for a resolution granting a conditional use permit for the White Bear Center for the Arts (18-2-CUP).

Community Development Director Kane reported that the White Bear Center for the Arts on Long Avenue has acquired rights to 4962 Division Avenue, zoned R-3, Single Family Residential. The property is approximately one acre and contains a two-story residence with detached garage. White Bear Center for the Arts is requesting a conditional use permit for a community center in a residential zoning district in order

to construct a parking lot expansion to supplement parking for the Center for the Arts and Lakeshore Players Theatre.

Ms. Kane relayed the details of the proposed design to include double the setbacks from neighboring properties, and a six-foot tall wooden privacy fence for screening along both the north and south sides. Existing trees will be maintained and new trees will be planted to create a park-like setting near Division Street. The perimeter of the property will feature a scenic walkway that will link the new parking area to the existing property. The path, periodically lined with low profile bollard lights, also offers a connection to the Lakeshore Players Theater. The White Bear Center for the Arts has indicated a willingness to share the proposed parking with the theatre, providing a greater benefit to the neighborhood by alleviating parking needs for both users.

Ms. Kane explained that the only access provided along Division is for emergency vehicles, via a grid system with grass, so that it will essentially be hidden from view except for the curb cut. This also provides ADA access to the art path. Parking lot lights are proposed to be located in the center island.

Councilmember Jones inquired as to the percentage of impervious surface and stormwater management. Ms. Kane estimated 25-30% or less is impervious. Run-off would be captured from the drive aisles and diverted into pervious parking pavers, but if stormwater run-off continues to be an issue, rain gardens would be installed to supplement the system. Ms. Kane also confirmed that a standard stormwater maintenance agreement is part of the CUP.

Councilmember Walsh asked for clarification related to the chained fence between the current parking lot and the proposed new parking lot, and the City's ability to allow a parking lot in a residential district. Ms. Kane explained the fence would be chained when the lot is not needed or when the establishment is closed. She clarified that all residentially zoned districts are set up to allow community centers, places of worship, school and the like as conditional uses.

Councilmember Walsh pointed out that the house on this lot currently contributes about \$400 in taxes for the City. He inquired whether the City will be forgoing this amount, or if the Center for the Arts will be assuming the \$400 tax payment. City Manager Richter explained that since the Center for the Arts is non-profit, no taxes would be collected on the proposed parking lot.

Councilmember Jones stated that the value of the Center for the Arts and the business it brings into the community is tough to measure, but certainly covers the \$400.00. He invited the Arts Center Director to address the "poor planning and growth" comment from residents questioning their need to expand already after just a few short years.

Suzi Hudson, Executive Director for the White Bear Center for the Arts, shared that it will be five years this summer since moving into and renovating the current location. Growth has doubled in that time, with morning and afternoon classes at full capacity. Ms. Hudson explained that this parking solution is being sought to proactively address cars parking along Long Avenue and additional growth anticipated due to Lakeshore Players relocating next door.

Councilmember Jones remembered when the Center for the Arts initially presented an

aggressive projected growth rate. He stated it is a difficult thing to predict, especially now that Lakeshore Players has relocated next door.

In response to Councilmember Edberg, Ms. Hudson stated that through community events, they reach 30,000 people annually, and 10,000 are served at their new location annually. Ms. Hudson explained that the addition of the public art gallery is new for the Center for the Arts and they are experiencing visitors daily, which combined with classes, takes all the available parking. Councilmember Edberg thanked Ms. Hudson and the Center for the Arts for its vision and noted that community-wide interest is a testament to the need for this cultural amenity in the City.

Councilmember Biehn echoed Councilmember Edberg's statements. The Center for the Arts is beautiful and he is very impressed with the design of the proposed parking lot. Ms. Hudson elaborated that a neighborhood meeting was held on February 1<sup>st</sup>, in which 15-20 neighbors attended and provided feedback and design suggestions. Through that process, the Center for the Arts responded to expressed concerns about lighting, security, access and stormwater run-off.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution 12228** granting a conditional use permit for the White Bear Center for the Arts (18-2-CUP).

Councilmember Walsh was not thrilled at the prospect of establishing a parking in a residential neighborhood, but stated he would vote yes based on the fact that the Center for the Arts listened to its neighbors and addressed some of their concerns in the design, along with unanimous vote by the Planning Commission.

Motion carried unanimously.

## 7. UNFINISHED BUSINESS

Nothing scheduled

## 8. ORDINANCES

Nothing scheduled

## 9. NEW BUSINESS

### A. Resolution approving a Joint Powers Agreement with White Bear Township

City Manager Richter reported that the City has been working with the Town of White Lake related to improvements on Centerville Road. The attached joint powers agreement describes the City's and Town's participation and assessments being considered for the project.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12229** approving a Joint Powers Agreement with White Bear Township.

Motion carried unanimously.

B. Resolution approving a Public Improvement Escrow and Disbursing Agreement with Division 25 White Bear, LLC (Centerville Road Improvement Project)

Community Development Director Kane reported that the Town of White Bear Lake, the City of White Bear Lake and Ramsey County have been working together with Division 25 White Bear, LLC, the Developer, to facilitate the proposed street and traffic signal improvements on Centerville Road. Improvements to the public roadway including the addition of a traffic signal at Cub Foods' north entrance and the entrance to Tower Crossings (White Bear Heights and Lunds & Byerlys) are designed to improve safety and reduce turning conflicts. Public improvements will be funded collectively by the County, the Township, the City and the developer.

Ms. Kane explained that the City is acting as the lead agency on the project to accommodate a fast track construction schedule for a fall 2018 completion date and grand opening of the grocery store. In order to keep the project moving forward to meet this ambitious deadline, the Developer has agreed to fund 100% of the construction costs up front. This does not include the cost of additional mill and overlay work north of the project that Ramsey County added to the project. Ramsey County has pledged to pay for this portion of the project in full, (approximately \$150,000). Terms of the Escrow Agreement allow for disbursement of funds as various agencies match their obligations.

Ms. Kane stated that the disbursing agreement outlines the terms for disbursement, reimbursement and the schedule for releasing escrowed funds. Today, the title company confirmed full receipt of \$820,000. Upon Council approval of the Public Improvement Escrow and Disbursing Agreement, the City of White Bear Lake will have all funds in place necessary to pay out the contract considered for the Centerville Road Improvement Project (considered under 9C).

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12230** approving a Public Improvement Escrow and Disbursing Agreement with Division 25 White Bear, LLC

Motion carried unanimously.

C. Resolution accepting bids and awarding contract for the Centerville Road Improvement Project, City Project No. 18-16

City Engineer Burch reported that the City of White Bear Lake received two (2) bids for construction of the Centerville Road Improvement Project on April 27, 2018 with Forest Lake Contracting, Inc. of Forest Lake, Minnesota submitting the lowest base bid of \$894,359.47. The other bid was from T. S. Shifsky and Sons. Mr. Burch noted the Joint Powers Agreement with the Town of White Bear Lake (approved in 9A) and the Escrow Agreement with the Developer (approved in 9B) are in place to cover payment of this contract.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg** to adopt **Resolution No. 12231** accepting bids and awarding contract for the Centerville Road Improvement Project, City Project No. 18-16

Motion carried unanimously.

D. Resolution accepting bids and awarding contract for the 2018 Bituminous Seal Coating Project, City Project No. 18-02

City Engineer Birch reported that the City performs seal coating of bituminous streets to prevent water from entering the pavement and gravel base, to renew the wearing surface of the roadway and to improve the appearance of the street. He shared that the City received bids for the 2018 Bituminous Seal Coating Project on April 18, 2018 as follows:

CONTRACTOR	TOTAL BID ITEMS	BID ALTERNATE NO. 1
Pearson Bros., Inc.	\$210,555.08	\$75,917.28
Allied Blacktop Co.	\$213,783.23	\$74,335.67
Astech Corp.	\$258,360.45	\$126,528.80

Mr. Burch recommended awarding the contract in the amount of \$210,555.08 to Pearson Bros., Inc. of Hanover, MN, who submitting the lowest base bid.

Mr. Burch foreshadowed the need for a change order to this project, as the buckshot gravel rock specified in the bid is being phased out. Mr. Burch explained that an alternative is trap rock, a more expensive product but a more superior product than buckshot. He mentioned some of the cost would be mitigated through cheaper transport of trap rock from Dressier, WI versus trucking buckshot from Shakopee, MN.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12232** accepting bids and awarding contract for the 2018 Bituminous Seal Coating Project, City Project No. 18-02

Motion carried unanimously.

E. Resolution approving City Manager’s 2018 compensation

Councilmember Jones noted that 2017 was City Manager Richter’s second full year as manager and for which she guided the City Council through some huge issues including the Lake Level Litigation, 911 Dispatch and restructuring of the Fire Department and major shifts in finance through enterprise funds.

Councilmember Biehn has been very pleased with the City Manager’s service to the City and thanked her for a job well done.

Mayor Emerson expressed her appreciation on behalf of the Council for the work that Ellen has done and her leadership throughout some significant challenges.

Ms. Richter accredited her success to efforts and support of an amazing and talented team working at the City.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Edberg**, to adopt **Resolution No. 12233** approving City Manager’s 2018 compensation

Motion carried unanimously.

**10. CONSENT**

A. Acceptance of March White Bear Lake Conservation District Minutes, March Park Advisory Commission Minutes

B. Resolution approving an off-sale liquor license for A and Y Inc. dba Birch Lake Liquor.  
**Resolution No. 12234**

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt the Consent Agenda as amended to include the April Planning Commission Minutes.

Motion carried unanimously.

## 11. DISCUSSION

## 12. COMMUNICATIONS FROM THE CITY MANAGER

- In addition to the 11:00 a.m. Law Enforcement Memorial Service on May 17<sup>th</sup>, the City is hosting its first Touch a Truck event at 5:00 p.m. at Podvin Park in which there will be police squads, fire trucks, ambulance and a variety of street vehicles. Bring a non-perishable food item for the Food Shelf.
- There will be a commercial shoot on Thursday, May 10<sup>th</sup> for UCare beginning at 8:30 a.m. in downtown White Bear Lake. White Bear Lake is one of four stops on their route, which starts in Duluth and ends in Northfield.
- The White Bear Lake Conservation District agreed to waive 2018 assessments because of efforts by the City Council and other Councils around the lake.
- Legislation has passed in the House for an “effective stay” on the DNR Court order until July 2019. If passed, the DNR would be prevented from enforcing water permit amendments. Residents are reminded that irrigation is banned in the City of White Bear Lake, daily between the hours of 10:00 a.m. – 5:00 p.m. from May 1<sup>st</sup> – September 30<sup>th</sup>.
- The City’s Annual Financial report was recently completed and provided to the Council. The auditor will provide a summary of the report at the June 12<sup>th</sup> City Council meeting.
- Engineering Updates – Mark Burch
  - Street projects are progressing nicely along 10<sup>th</sup> and 11<sup>th</sup> Streets, with curb being poured next week. Asphalt and concrete was removed from Old White Bear Avenue and Metropolitan Council’s new sewer line will go in next week. Curb has been removed from Sumac and Manitou Roads in preparation for mill and overlay. Concrete work is underway on the trail at Birch Lake Blvd and White Bear Parkway.
  - Launch docks are in, the buoys go in next week and the Marina has some boats on slips already.
  - Flagpole work happens on May 24<sup>th</sup> at Clark and Highway 61. The VFW, American Legion and the Lions Club will be conducting a ceremony to retire the flag. The wind broke the flag off the pole prematurely, but the flag was recovered for the ceremony. Work is slated for completion in time for a November 11<sup>th</sup> dedication.
  - The water treatment plant will be softening water again next week and hydrant flushing will follow.
  - The Sports Center project is on schedule and a month into renovation. The floor will be poured by the end of May, which then cures for 30 days.
- Community Development Updates - Anne Kane
  - The first neighborhood meeting for the 4-corners proposal was held last night with

about 250 attendees. A rough timeline will include another neighborhood meeting at the end of May/early June. A traffic study submitted by the end of June allows for the first Planning Commission Public Hearing to consider a concept plan in July. Then City Council's consideration of the concept plan PUD in August. Following that, a more refined plan would be submitted for the Development Plan PUD, which the Planning Commission and then the City Council would consider in late fall. By the end of the Development Phase PUD, a contract for redevelopment, TIF discussions and finalized numbers. The City Council would consider a potential contract in October or November.


- Councilmember Edberg asked staff to provide a report on an energetic Cinco de Mayo held in the City on Saturday. Music was loud and audible throughout most of south White Bear Lake. Ms. Richter explained this event was at El Pariente Mexican Grill in the Wildwood Shopping Center. The City Council approved the special event permit at its April 24<sup>th</sup> meeting. Like other events, they were told if there were complaints, they would be asked to turn the music down, or turn it off.

### 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Jones** to adjourn the regular meeting at **9:29 p.m.**

  
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Jo Emerson, Mayor

**ATTEST:**

  
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Kara Coustry, City Clerk